

Before the Board of Zoning Adjustment, D. C.

Application No. 11409, of Lester & Marion T. Kraft pursuant to Section 8207.1 for a variance from the use provisions of the R-5-B District, as provided by Section 8207.11 of the Zoning Regulations, to permit establishment of non-profit organization at 1763 R Street, N.W., Lot 20, Square 153.

HEARING DATE: July 18, 1973

EXECUTIVE SESSION: July 24, 1973

FINDINGS OF FACT:

1. The property is located in an R-5-B District.
2. The property is improved by a four story brick building owned by the Washington Research Project, Inc.
3. Records indicate that the last Certificate of Occupancy No. B-15592, was issued January 25, 1959, for an art school (less than 75 persons per floor) basement not included, BZA No.5222.
4. The proposed occupant qualifies as a non-profit organization pursuant to Internal Revenue Service Records dated November 10, 1969.
5. Applicant testified that they advertised the property in an effort to secure a tenant that would utilize the property in conformance with its present Zoning for a four month period.
6. This property has not been shown to be incompatible with an R-5-B use by reason of exceptional narrowness, shallowness and unusual topography.
7. The building was originally used as a residential facility before being converted to an office use.
8. Palmer v. Board of Zoning Adjustment, D.C. App, 287 A. 2d 535 (1972), delineates for the Board what the applicant must demonstrate and what the Board must find to grant a use variance.

9. Applicant's basis of hardship is that the structure cannot be utilized for residential purposes because the string of offices which opens into the hall ways prohibits a separate apartment unit floor structure.

10. Applicant's hardship does not exist with the property physically, rather it is the improvements which produce applicant's hardship.

11. Opposition was registered at the public hearing and letters in support were submitted to the file.

CONCLUSIONS OF LAW:

Based upon the above Findings of Facts the Board is of the opinion that the hardship is not inherent in the property but in the land's improvement thereby not qualifying applicant to a use variance.

Further, applicant has not demonstrated that the property cannot be utilized in conformance with its present zoning.

The Board therefore finding no exceptional or extraordinary situation or condition of the property to warrant relief in the form of a use variance will not permit the basic character of the present use to be changed.

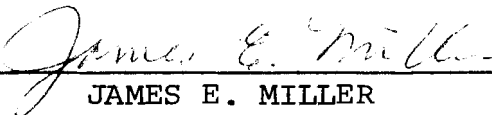
ORDERED:

THAT THE ABOVE APPLICATION SHOULD BE DENIED.

VOTE: 5-0

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:



JAMES E. MILLER

Secretary of the Board

FINAL DATE OF THE ORDER: SEP 4 1973